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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF

Administrative Action

ALEXANDER MUSHEYEV, D.D.S.
License No. 22DI01982700

FINAL ORDER
OF DISCIPLINE

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Dentistry ("Board") based on the failure of Alexander Musheyev, D.D.S. ("respondent") to complete continuing education as required by the Dental Practice Act, N.J.S.A. 45:6-1 et seq., and the regulations governing the practice of dentistry in this State, N.J.A.C. 13:30 -1 et seq., and his repeated failure to cooperate with the Board's request for information concerning continuing education. The Board entered a Provisional Order of Discipline on March 19, 2008. Respondent did not submit any written information to the Board to contest the findings of fact and conclusions of law contained in that order, but rather in a telephone conversation with the deputy attorney general prosecuting the matter, agreed to pay the civil penalty provisionally assessed in the order. Payment of the penalty was received on June 16, 2008. The Board, therefore, will finalize the Provisional Order at this time by making the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent, Alexander Musheyev, D.D.S., is licensed to practice dentistry in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On the biennial registration form submitted for the renewal of respondent's

license to practice dentistry in the State of New Jersey for the period November 1, 2003 to October 31, 2005, respondent answered "no" to Question #3 which asked : "Will you have completed the required continuing education hours by October 31, 2003 ?". On April 5, 2004, the Board sent respondent a letter, by regular mail, to respondent's address of record with the Board. The letter requested a written explanation as to why respondent answered "no" to Question #3. The letter also requested documentation of all continuing education completed by respondent between November 1, 2001 and October 31, 2003. A response was to be submitted to the Board office within twenty (20) days. Respondent failed to provide the requested information, and he did not provide any response within that time period.

3. On August 10, 2004, the Board sent a second letter to respondent's address of record with the Board. The letter was sent by both regular and certified mail. The letter again requested an explanation regarding respondent's answer to Question #3 on his renewal application. The letter sent by certified mail was returned to sender, marked "unclaimed" and indicating there were two attempts to serve the letter. The regular mail was not returned to the Board. Respondent failed to provide a response to the Board.

4. On September 8, 2004, the Board sent a third letter to respondent's address of record with the Board. The letter was sent by both regular and certified mail. The letter again requested an explanation regarding respondent's answer to Question #3 on his renewal application. The letter sent by certified mail was returned to sender, marked "unclaimed" and indicating there were three attempts to serve the letter. The regular mail was not returned to the Board. Respondent failed to provide a response to the Board.

5. The Board sent respondent a Uniform Penalty Letter ("UPL"), dated February 23, 2006, by regular and certified mail, to respondent's last known address of record with the Board. According to the UPL, the Board preliminarily found that respondent failed to complete his

continuing education for renewal of his license and failed to respond to the Board's inquiries. The UPL presented respondent with three options: 1) acknowledge the conduct which has been charged, pay a penalty and submit proof of satisfaction of the continuing education requirement, 2) waive any rights to a hearing but ask the Board to consider an explanation before rendering a final decision, or 3) request a formal administrative hearing to contest the charges. The letter sent by certified mail was returned to sender, marked "unclaimed" and "unable to forward" and indicating there were three attempts to serve the letter. The regular mail was not returned to the Board. Respondent failed to provide a response to the Board.

6. A second copy of the UPL was sent by regular and certified mail to respondent's address of record on April 17, 2006. Respondent provided a response to the UPL with a signed certification dated April 18, 2006. Respondent acknowledged the conduct that was charged. He provided proof of completion of over forty (40) hours of continuing education, however, only thirty-five (35) hours of the continuing education pertained to the relevant renewal period, November 1, 2003 through October 31, 2005. Respondent also did not pay the five hundred dollar (\$500) penalty.

7. On June 27, 2006, the Board sent a letter to respondent's address of record with the Board. The letter was sent by both regular and certified mail. The letter informed respondent that his response to the UPL was inadequate. Additionally, the letter informed respondent that he failed to demonstrate proof of (forty) 40 continuing education hours for the November 1, 2003 through October 31, 2005 renewal period. The letter provided respondent one more opportunity to supply documentation of the required forty (40) hours. The letter sent by certified mail was returned to sender, marked "unclaimed" and "unable to forward." The regular mail was not returned to the Board. Respondent failed to provide a response to the Board.

CONCLUSIONS OF LAW

1. The above findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional or occupational misconduct by failing to cooperate with the Board's requests for information in contravention of N.J.A.C. 13:45C-1.3.

2. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated and failed to comply with the provisions of an act and regulation administered by the Board by failing to complete forty (40) hours of continuing education credits for the 2003-2005 biennial renewal period as required by N.J.S.A. 45:6-10.1 and N.J.A.C. 13:30-5.1.

ACCORDINGLY, IT IS on this 16th day of July, 2008,

ORDERED that:

Respondent is assessed a civil penalty in the amount of five hundred dollars (\$500), for failing to complete his continuing dental education requirements for the 2003-2005 biennial renewal period. Additionally, respondent is assessed a civil penalty in the amount of one thousand dollars (\$1,000), for engaging in professional misconduct by failing to respond to the Board's multiple requests for information. Payment of civil penalties totaling one thousand and five hundred dollars (\$1,500) has been received by the Board.

NEW JERSEY STATE BOARD OF DENTISTRY

By:


Maxine Feinberg, D.D.S.

Board President